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COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 23rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 25 March 1997, at 3 p.m.

Chairman: Mr. SOMOL (Czech Republic)

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The meeting was called to order at 3.20 p.m.

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 11) (continued) (E/CN.4/1997/65)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 17) (continued) (E/CN.4/1997/82 and 83; E/CN.4/Sub.2/1996/2 and 28; A/51/536)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 19) (continued) (E/CN.4/1997/91 and Add.1; E/CN.4/1997/NGO/19; A/51/542/Add.1 and Add.2)

1. Mr. BOHR (International Organization for the Development of Freedom of Education) said that, while the Commission's increased focus on minority rights was welcome, the approach to minority issues was still largely negative and minorities were too often seen as a problem. Cultural and religious diversity was feared as a potential source of conflict.

2. The traditional European model of the nation-State had been based on the maintenance of religious and cultural uniformity. That model must be questioned in terms of its compatibility with human rights, and the right to education must not become a pretext to use the educational system as a means of social control. Instead, attitudes towards minorities should be based on the fundamentally different premise that diversity was a source of creative enrichment and social progress.

3. Education should foster mutual understanding; merely grouping people together was not enough to engender tolerance. Education must be pluralistic and geared to helping each individual discover his or her own identity. Most countries' educational systems were anti-democratic since they did not incorporate freedom. The tension between unity and diversity could become a healthy one if civil society was allowed to play a central role in managing and designing education and if education truly promoted tolerance and respect for others.

4. Ms. PARKER (International Educational Development, Inc.) said that many of the current wars and near-wars involved the use of religion for political purposes. The reports of the Special Rapporteur on the question of religious intolerance (E/CN.4/1997/91 and Add.1) cited isolated incidents in some of those countries without discussing the underlying wars or the political manipulation of religion.

5. The Special Rapporteur had not, in fact, addressed the struggle of the Moluccan people against Javanese rule. In response to renewed efforts to resolve the situation, Indonesian authorities were encouraging the migration of Muslim Javanese into Moluccan areas by granting them special privileges. Those migrants had fomented violence against the Christian Moluccans and tried to sow discord between Christian and Muslim Moluccan villages, which had coexisted peacefully for centuries. Moreover, a genocidal birth-control policy sought to limit Christian Moluccan births, as part of Indonesia's strategy to divide and conquer.

6. In the war between Kashmir and India, the problem was not Islamic fanaticism, as the Government of India asserted, but India's refusal to implement the series of Security Council resolutions calling for a plebiscite on the status of the territory. Despite the Indian Government attempts to pit non-Muslims against Muslims in Kashmir, the political leadership of the territory had recently established a council which included many non-Muslims. She welcomed the renewed efforts of the United States and of the new Secretary-General to resolve the conflict, and hoped that the Commission would strongly support them.

7. A bill had been submitted to the United States Congress on violations of religious freedom in China, perpetrated inter alia through ethnocidal Chinese policies that manipulated religion in Tibet. The bill, whose example should be followed by other Governments and United Nations bodies, would deny travel documents and government funds to the parallel organizations that usurped the role of legitimate religious leaders and organizations.

8. Lastly, the Special Rapporteur could become more effective by analysing the context of situations of religious intolerance and alerting the international community to situations that were leading to war.

9. Ms. OLGUIN (International Indian Treaty Council) said that the religions of indigenous peoples were inextricably tied to their ancestral homelands. International monitoring and mediation were urgently needed, owing to the failure of colonial nation-States to enforce basic human rights standards with respect to indigenous peoples.

10. The peaceful attempts of the Aazhoodenoo of Ontario, Canada, to reclaim their original ceremonial and burial grounds had been met with violence and repression from government officials, who had even murdered one young tribal member. In Guatemala and Mexico, military installations and the tourist industry continued to bar indigenous peoples' access to their sacred sites. At the newly excavated sites of the pyramids in Teotihuacán, Mexico, the construction of a shopping mall was being promoted with government funding.

11. The representative of the United States had asserted that that country enjoyed a high level of religious tolerance because its founders had fled Europe in search of religious freedom. However, the indigenous peoples of the United States knew the other side of the story all too well, having been engaged in a legal battle for years to protect their religious freedom.

12. It was essential that indigenous peoples should have access to the United Nations at a time when domestic forums were unresponsive.

13. Mr. WATCHMAN (International Indian Treaty Council) said that most families of the Dineh nation and the Navajo Nation Tribal Council had rejected an "accommodation agreement" proposed by the United States Government because it would effectively prevent future generations from maintaining the traditional Dineh religion. They had been informed that, if they did not accept the terms of the agreement, they would be subject to forcible removal as from 31 March 1997.

14. He asked the Commission, therefore, to endorse formally resolution 1996/36 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which emphasized the spiritual connection that indigenous peoples had with the land and recommended that the Special Rapporteur should explore the situation of indigenous peoples whose ability to practise their religion freely had been impaired.

15. Mr. CHOEPHEL (United Towns Agency for North-South Cooperation) said that China had initiated a number of repressive measures in recent years to curtail religious freedom in Tibet. Because Tibetan Buddhist monks and nuns were vocal supporters of Tibetan independence, many of them had been imprisoned, tortured or killed. Thousands had fled to Nepal and India to seek education in monasteries and nunneries established by Tibetan refugees.

16. In 1993, documentary evidence had been found of China's policy of giving only limited news coverage to religious issues within Tibet, while providing wider coverage for foreign audiences as a public-relations ploy. In 1994, the Chinese authorities had publicly ordered a halt to the spread of Buddhist institutions, as well as a campaign against the Dalai Lama himself. In 1995, they had interfered in the ancient religious process of Tibetan Buddhism when the Dalai Lama had recognized the eleventh Panchen Lama, and, in 1996, they had conducted "patriotic re-education" sessions in which Tibetan monks and nuns had been ordered to denounce Tibetan independence, the Dalai Lama and the eleventh Panchen Lama. In November 1996, China had taken further steps to suppress Tibetan Buddhism, inter alia through censorship of art and literature.

17. His organization thus appealed to the Member States of the United Nations to stop the cultural genocide in Tibet.

18. Mr. LOREDO (International Association of Educators for World Peace) said that, in 1991, the Cuban authorities had decided to define Cuba as a secular State rather than an atheist one and to allow religious citizens to join the Communist Party and hold public office. Nevertheless, the constitutional guarantee of religious freedom in Cuba was thwarted by other legislation, including other provisions of the Constitution itself, while the Penal Code included the novel offence of abuse of religious freedom, such as opposing the Marxist objectives of education, and made unlawful association a punishable offence. It should be noted, in that connection, that any association not having prior permission, which was very hard to obtain, was considered an unlawful one.

19. Another disturbing sign of intolerance and discrimination against religion was the ban on the construction of new churches and the persecution of prayer groups in private homes.

20. Mr. J.A. FERNÁNDEZ (Cuba), speaking on a point of order, said that the same people were representing two different non-governmental organizations (NGOs) at the Commission's current session. He asked whether that violated the rules of procedure concerning NGO participation, and wondered whether the persons concerned had invented non-existent organizations in order to use the Commission for unscrupulous purposes.

21. The CHAIRMAN said that he saw no contradiction between the rules of procedure and an individual's representation of more than one NGO. The speaker's credentials were in order.

22. Mr. J.A. FERNÁNDEZ (Cuba) said that the relevant rules, as contained in Economic and Social Council resolution 1996/31, were clear and that he had asked for a legal opinion, not the personal viewpoint of the Chairman. The Commission should take note of anomalies in the participation of NGOs with dubious backgrounds and activities.

23. The CHAIRMAN said that no rule had been violated and that he had made a personal ruling in his capacity as Chairman.

24. Mr. DLAMINI (Observer for Swaziland) said that delegations should use their right of reply to articulate their views. NGOs did not enjoy the same status as Member States in the Commission and although they had a role to play, they must not be allowed to throw stones at Member States. In the future, NGOs must be thoroughly screened to prevent a recurrence of the current situation.

25. The CHAIRMAN said that he would never deny the right of reply and that any delegation was free to disagree with any statement. With respect to the point of order raised, however, the accreditation of the speaker in question was in order.

26. Mr. LOREDO (International Association of Educators for World Peace) said that, although the establishment of the Department of Religious Affairs in 1988 had facilitated relations between the Cuban Government and the churches, the latter still had to negotiate laboriously for their rights, which were not recognized by the prevailing system. Churches still did not have access to the communications media; in 1995, the Government had banned the sale of printing or communications equipment to churches. The establishment of parochial schools was prohibited, and few members of religious orders were allowed to enter the country. The teachings and actions of priests and ministers were closely scrutinized.

27. The extremely difficult situation of the Jehovah's Witnesses had eased somewhat, but State repression of the members of the various churches had increased in the first half of 1996. Religious practice was on the increase in Cuba, as people became less fearful of religious persecution, but repression had become more subtle, partly as a result of the pragmatic policy of self-censorship or silence adopted by the churches themselves.

28. He hoped that the Pope's projected visit to Cuba in January 1998 would give a new impulse to the long-held desire of the Catholic Church and others for reconciliation and peace.

29. Mr. WAREHAM (International Association against Torture) said that it was clear from the report of the Working Group on Minorities (E/CN.4/Sub.2/1996/28) that there was no consensus on the definition of the terms "minority" and "national minority". Blacks had generally been regarded as a minority in the United States, but incontrovertible statistics and

analyses demonstrated that there were two separate and unequal nations, one black and one white, within the geographical boundaries of the United States. Poverty and infant mortality rates were far higher, and life expectancy lower, among the black population; a disproportionate number of African men were incarcerated; two thirds of the land owned by blacks in 1910 had passed into the hands of whites; and black churches were being burned down.

30. There was a thin line between racial and national discrimination, as revealed by the recent debate over "Ebonics", a language spoken by many black people in the United States. The suggestion that standard (United States) English should be taught to blacks as a second language was strongly resisted by those who realized that the recognition of Ebonics would lend weight to the view that Africans in the United States had developed into an independent nation. Clearly, then, the protection of the rights of national minorities must start from a factual analysis of their actual status in society.

31. Ms. YRGAARD (Women's International League for Peace and Freedom) said that migration had to be examined in conjunction with the process of international economic liberalization, which had freed flows of capital, investment, communications and technology without freeing flows of labour. Moreover, the economic situation left many people with little choice but to migrate in order to survive.

32. Economic globalization did not relieve the sending and receiving States of their responsibility to protect the rights of migrant workers. Sending States must provide them with better education and information before they left home and improved consular services once they arrived in the foreign country. Receiving States must work to prevent discrimination against migrant workers, protect their fundamental human rights, help them maintain their culture, religion and identity, and protect them from exploitation and sub-standard working conditions.

33. All States that had not yet done so should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which focused on migrant workers as human beings rather than as a source of labour. Governments should also be addressing the root causes of increasing racism and xenophobia in their countries rather than imposing more restrictive entry requirements on migrant workers.

34. She urged the Centre for Human Rights to turn its attention to violence against migrant women, the rights of undocumented workers and the implementation of anti-discrimination policies relating to migrant workers. She also called on the Commission to adopt a resolution recommending to the General Assembly that a world conference on racism be held in 1999.

35. Mr. ALI KHAN (World Peace Council) said that the founding fathers of democratic movements in many developing countries emerging from colonialism had seen true democracy as the best defence against bigotry and intolerance. Unfortunately, a dangerous new form of religious bigotry, one backed by guns, had emerged. It was relatively easy to identify States which institutionalized intolerance, but it was more difficult to hold accountable

those violators of religious freedoms who recognized no borders and reappeared under different names, claiming superiority for their particular brand of religion by force of arms.

36. Extremist armed groups were the real threat to religious tolerance. In the name of religion, they had killed Kashmiri Pandits, attacked Shiites, and persecuted Ahmadiyas and Christians. He called for a protocol that recognized the problem and proposed that measures to combat it should be added to the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

37. Ms. JOICE (International Progress Organization) said that intolerance was not inherent in religions but that religion and belief were exploited for divisive political purposes. Institutionalized prejudice was especially dangerous, as it inevitably led to the prosperity of some segments of society and the oppression of others.

38. The founding fathers of Pakistan had reassured religious minorities, especially the Christians and Hindus, that everyone in Pakistan would be free to practise his or her religion. All that had changed when the country's first constitution in 1956 had established it as an Islamic Republic. Since then, civil and criminal law had been progressively Islamicized, in clear violation of the most fundamental human rights.

39. The Blasphemy Law of 1986 had been repeatedly used against Ahmadiyas and Christians; according to it, the evidence of a single Muslim who accused someone of making disparaging remarks about the Prophet Muhammad was sufficient to have that person executed. Hearsay evidence of that sort had even been considered a mitigating factor in the recent brutal murder of a Christian.

40. The Law on Separate Electorates also severely discriminated against minorities by depriving them of full citizenship and the right to vote irrespective of their religion. In short, there was ample evidence, documented by the international media and the Human Rights Commission of Pakistan, that the Pakistan State was sanctioning a consistent pattern of violations of human rights and fundamental freedoms.

41. Mr. SAFI (International Islamic Federation of Student Organizations) said he rejected the thesis that the Muslims living in Indian-held Kashmir were a minority: the Kashmiris were a peace-loving people waiting to exercise their right to self-determination in accordance with Security Council resolutions.

42. Although Muslims had borne the brunt of Indian repression, all religious groups had suffered under the Indian occupation. He had no objections to the resolution on tolerance and pluralism proposed by India at the fifty-second session of the Commission (1996/19), as long as the idea of peaceful coexistence was not used to legitimize the suppression of people in Jammu and Kashmir living under illegal foreign occupation.

43. The Special Rapporteur should be wary of sources inspired by the Indian Government which asserted that the so-called religious situation in Jammu and Kashmir had been brought about by a minority of terrorists. The truth was that religious discrimination was practised there and that the Kashmiri people was united in its rejection of Indian repression. The Indian Government was trying, for its own political purposes, to portray the freedom movement in Kashmir as an extremist religious movement, when in fact it was a movement seeking the right to self-determination in accordance with international law.

44. Mr. MESDAGHI (International Falcon Movement) said that, after years of continuous repression of non-Muslims in Iran, the policy was being extended to Sunni Muslims. Several Sunni leaders and clerics had been abducted and murdered by operatives of the regime, and one had been sentenced to five years in prison for tearing down posters of Khomeini and Khamenei. Such repression and harassment was rooted in the views of Khomeini, who had not recognized Sunni Muslims as citizens with equal rights.

45. Official papers and Friday prayers were used to insult Sunni Muslims in general. The killing of Mowlavi Mohammad Rabi'i, the Sunni religious leader in western Iran, after he had protested against insulting remarks about Sunni leaders made in a television series, had sparked off an uprising in Kermanshah province in November 1996, which had been brutally put down by the regime.

46. After giving some details of the persecution of members of other religions in Iran, including Christians, Baha'is, Muslim Sufis, Jews and Zoroastrians, he urged the Commission to put pressure on the Government of Iran to end that tragic situation.

47. Mr. GALILEE (Observer for Israel) said that his Government took a grave view of recent attempts to rekindle division and hatred between peoples, and called upon all Member States to take active steps to combat them. It welcomed the measures taken by various countries and organizations to combat racism, xenophobia, anti-Semitism and all forms of racial intolerance.

48. Having reaffirmed his Government's desire to achieve a just, lasting, comprehensive and durable peace settlement with the Palestinians, as part of a historic reconciliation between Israel and its Arab neighbours in general, he said that it was appalled at the unrelenting anti-Semitism prevailing in the Arab press, citing a number of instances.

49. It was to be hoped that the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination would bring about a new era where peace would not be limited to political agreements between States but would reflect a state of mind free from racial hatred and religious intolerance.

Statements in exercise of the right of reply

50. Ms. PEREZ-DUARTE (Mexico), having congratulated the Special Rapporteur on his report (E/CN.4/1997/91) and on the methodology employed, said that his references to Mexico were, to say the least, imprecise. Although referring to information and documentation provided by her Government on State initiatives and action to promote reconciliation and respect for the religious freedom of

certain religious minorities in Mexico (para. 36), he had not explained the nature of the problem, thus leaving the impression that her Government failed to respect freedom of conscience, belief and religion. The incidents in question had, in fact, been manifestations of fanaticism between private individuals in a small sector of the population of the south-eastern part of the country, and the local and federal authorities had taken prompt action to ensure mutual respect between the religious groups concerned.

51. Her Government agreed with the Special Rapporteur about the importance of education as a means of combating religious intolerance. Under the Constitution, Mexican State education was lay and required to combat ignorance, fanaticism and prejudice.

52. Mr. STEVCEVSKI (Observer for The Former Yugoslav Republic of Macedonia) said that the constitutional name of his country was the Republic of Macedonia. The resolution mentioned by the observer for Greece fully entitled his delegation to use that name.

53. Mr. MANOUSSAKIS (Observer for Greece) said that the text of Security Council resolution 817/1993 was self-explanatory and could not be interpreted as implying that The Former Yugoslav Republic of Macedonia could be referred to by any other name. Furthermore, the Interim Accord between Greece and The former Yugoslav Republic of Macedonia, signed on 13 September 1995, left open the question of the determination of that Republic's name, thereby proving that The Former Yugoslav Republic of Macedonia recognized the existence of a dispute over its name.

54. Mr. STEVCEVSKI (Observer for The Former Yugoslav Republic of Macedonia) said that Security Council resolution 817/1993 had once again been misrepresented by the observer for Greece. He saw no point in elaborating further.

55. Mr. NAZARIAN (Observer for Armenia), referring to a statement by the observer for Azerbaijan which included a reference to the statement made by the Chairman of the Organization for Security and Cooperation in Europe (OSCE) at the Lisbon meeting of that organization, said that, as the President of Armenia had made clear at the time, Armenia did not accept some elements of the statement in question and would not be guided by those elements during negotiations.

56. The reason for its non-acceptance was that the statement in question failed to reflect the substance of discussions which had taken place during the Minsk process, predetermined the effect of the outcome of the Minsk Conference on the status of Nagorno-Karabakh, and unnecessarily hardened the position of Azerbaijan. A further reason for non-acceptance was that Nagorno-Karabakh had not been represented at the Lisbon meeting.

57. The observer for Azerbaijan had also spoken about the so-called ethnic minority of Nagorno-Karabakh. The fact that Armenians had been and were a majority in Nagorno-Karabakh was well-known, as was the fact that their struggle for self-determination was rooted in past and present suffering and in their aspiration to live in freedom and security.

58. Mr. MOUSSAEV (Observer for Azerbaijan) said that there had never been any such thing as the "Karabakh people". There was an Armenian ethnic minority, just as there were minorities in any other States, and prior to the conflict that minority had enjoyed broad political, economic and cultural autonomy within Azerbaijan. At the same time, there had been over 200,000 ethnic Azerbaijanis in Armenia without their right to self-determination or to autonomy ever being mentioned in that country.

59. Armenia's solution to the problem of self-determination for the Azerbaijanis in their midst had been the simple one of forcible expulsion from the lands on which they had lived for centuries. As a result of such ethnic cleansing, Armenia had become a mono-ethnic State with practically no ethnic or religious minorities. Consequently, it was easy for Armenia to advocate unlimited realization of the right to self-determination.

60. Armenia's position on the statement of the Chairman of OSCE at the Lisbon Summit was contrary to the position of the international community, as reflected in resolutions of the Security Council and General Assembly, as well as in decisions of OSCE and other international organizations.

61. Mr. NAZARIAN (Observer for Armenia) said that, when the people of Nagorno-Karabakh in 1990 claimed its right to self-determination by peaceful and constitutional means, the Azerbaijani authorities had organized and armed a mob to perpetrate massacres of Armenians in Sumgait and other Azeri cities. In 1991, the leaders of the Azeri regime, assisted by the Soviet Army, had organized the depopulation of the Armenian regions of Northern Artzakh and the deportation of the Armenian population of Nagorno-Karabakh and surrounding areas. According to Helsinki Watch, more than half a million Armenians had been affected by those acts of primitive barbarism.

62. Ms. BI Hua (China) said that respect for and protection of normal religious activities had been her Government's consistent policy, and Tibet was no exception. In 1970, the Government had allocated a large sum for the renovation of religious sites in the autonomous region of Tibet, as a result of which more than 1,700 monasteries and nunneries housing 46,000 religious, or more than 2 per cent of the total population of the region, had been renovated and were open to the public. Attempts to use the forum of the Commission to split China were damaging to normal religious activities and would not succeed.

63. In 1995, the eleventh incarnation of the Panchen Lama had been chosen by drawing lots in accordance with established historical custom, the choice being supported by most religious people in the region. Contrary to the allegations made by certain NGOs, the choice had been contested only by a few separatists in exile.

64. Mr. AMOR (Special Rapporteur on the question of religious intolerance) said that he wished to emphasize the high quality of his dialogue with almost all States and NGOs. Dialogue was essential, but it had to be free from accusations, harassment, pressures and threats. In exercising his mandate, he would continue to proceed in an independent and impartial way without any preconceived ideas other than those imposed by the human rights framework of

the United Nations. In that connection, it should be borne in mind that, whereas the freedom of belief was not subject to any limitation, the freedom to manifest one's belief, as interpreted by the Human Rights Committee, could be restricted under certain circumstances.

65. His report to the Commission (E/CN.4/1997/91) was impartial and should not be read selectively. The delegation of Iran should understand that, when he spoke of clericalism, he had in mind both its religious and anti-religious manifestations. With reference to his report on his visit to India (E/CN.4/1997/91/Add.1), he wished to make it clear that, within the time available, he had had contacts with all partners, whether official or unofficial, and even with the general public. Discussions on the topic of his projected visit to the United States were well advanced and the visit seemed likely to take place in the near future.

66. In the past year, considerable progress had been made in developing follow-up procedures. China and Pakistan had made significant contributions to the application of the procedures that had been worked out, and Iran, despite certain difficulties in connection with the Baha'is in particular, was maintaining useful contacts with him. He wished to thank the Governments of those three countries.

67. Another positive development was that States were beginning to submit documents and explanations to him without waiting for allegations to be made concerning them. The advantages of being able to study a situation in a serene and unhurried atmosphere were obvious.

68. In conclusion, he noted with regret that, unlike the phenomenon of religious intolerance itself, the means available to him were diminishing. His next report to the Commission was not to exceed 20 pages in length. Such limitation of the possibilities of fulfilling an important mandate were tantamount to a form of censorship. Because of the financial situation, it would not be possible for him to analyse the 79 replies from States to the questionnaire on education and teaching programmes and manuals or to embark upon an in-depth investigation of other urgent issues, such as the question of religious sects.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-EIGHTH SESSION (agenda item 16)
(E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, E/CN.4/1997/76, 77 and Add.1 and 2, 78-81 and 108; E/CN.4/Sub.2/1996/6; A/51/309; A/52/56)

69. The CHAIRMAN invited the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to introduce the Sub-Commission's report on its forty-eighth session (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41).

70. Mr. EIDE (Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities) said that the Sub-Commission had responded in several ways to Commission resolution 1996/25. Despite the number of general and specific mandates given it by its parent bodies, it had managed to rationalize its agenda for the 1997 session, reducing the number of agenda

items from 23 to 13, thus facilitating an in-depth study of the items to be considered. In addition, following an address by the then Chairman of the Commission, it had given further consideration to its methods of work.

71. Of the two mandates given it by Commission resolution 8 (XXIII), the Sub-Commission had fully complied only with the first, since guidance from the Commission was needed on action to be taken with regard to the second, namely, that the Sub-Commission should bring to the Commission's attention any situation which appeared to reveal a consistent pattern of gross violations of human rights. The Sub-Commission had, in the past, regularly informed the Commission of such specific situations, but had decided that, at its forty-ninth session, it would take no further action since the situations in question were already under consideration by the Commission.

72. Other elements of the report included the administration of justice and the rights of detainees, in connection with which the Sub-Commission had considered the final report on the question of impunity of perpetrators of violations of civil and political rights (E/CN.4/Sub.2/1996/18) and had requested the Special Rapporteur on the issue to draw up a revised version of the set of principles for the protection of human rights through action to combat impunity. It had also recommended that two of its members should compile and update the important study on the right to a fair trial and a remedy.

73. Economic and social rights had also figured more largely in the Sub-Commission's work. In that context, it had, in its resolution 1996/25, appealed to the world's leaders, meeting in Rome for the World Food Summit in November 1996, to reaffirm the fundamental right to be free from hunger; it was gratifying that the Summit had taken note of that appeal and that, since further work in the field would involve the Food and Agriculture Organization (FAO), a representative of FAO had addressed the Commission at its current session.

74. With regard to minorities and indigenous peoples, the Sub-Commission had requested the Commission to extend the mandate of the Working Group on Minorities for a further two years.

75. The Sub-Commission had also thoroughly reviewed its working methods with regard to the selection of the subjects of studies and the commissioning, number, treatment and time-frame of studies and reports. The results of that review were to be found in annex V to its report. All ongoing studies - five in number - would be completed in 1997 and the Sub-Commission had decided not to propose any new study or report unless it was specifically recommended by a competent working group. Only one new study, therefore, recommended by the Working Group on Indigenous Populations on the subject of indigenous land rights, had been initiated. The Sub-Commission would thus have the opportunity to discuss its study programme in depth.

76. He hoped that the Commission would recognize the efforts made by the Sub-Commission to rationalize its work in order to achieve the common goal of advancing human rights everywhere, while enhancing complementarity and avoiding duplication in its relations with the Commission.

77. Ms. VOHRA (Observer for the International Organization for Migration (IOM)) said that trafficking in women differed from other forms of migrant trafficking because it was both a gender issue and an abuse of basic rights. The problem had reached global proportions as women were being trafficked, around the world to be forced into prostitution or held in slavery-like conditions.

78. Her organization was committed to bringing the problem to the forefront of international attention as one of the most potentially dangerous forms of violence against women migrants and to providing support to some of its victims. In addition to organizing international and regional seminars on the topic, it provided technical cooperation for the establishment of effective migration systems.

79. A series of rapid research studies on trafficking in women for sexual exploitation in Western and Central Europe had been in progress since 1995 under IOM's Migration Information Programme, and the geographical scope of research was currently being expanded to include the Caribbean and South-East Asian regions. Information dissemination programmes were being conducted in countries of origin and a quarterly newsletter focused on issues relating to trafficking in women was being published.

80. IOM was also providing case-by-case assistance to migrant women vulnerable to abuse and women who had been trafficked, to enable them to return home in dignity and safety. Two pilot projects for the return of trafficked Chinese, Cambodian and Vietnamese women and children from Thailand, where they had generally been forced into prostitution, had been launched.

81. Mr. LOGAR (Observer for Slovenia), speaking also on behalf of the delegations of the Czech Republic, Poland and Slovakia, said that, thanks to the International Workshop on Minimum Humanitarian Standards (E/CN.4/1997/77/Add.1), the issues surrounding a declaration of minimum humanitarian standards had been clarified. Noting that the idea of a declaration had received the support of all OSCE members and that the International Criminal Tribunal for the former Yugoslavia had specifically referred to the Turku Declaration on Minimum Humanitarian Standards, he said that international human rights law, and humanitarian law as a whole, had generated a "grey area" with regard to the applicability of basic standards of humanity in certain situations, where they were often most desperately needed.

82. Most human rights treaties provided for derogations from a number of human rights standards at times of public emergency threatening the life of the nation. That left too large a margin of doubt as to whether or not a public emergency should be proclaimed and, since the Second World War, proclamations of states of emergency had become a regular practice, going far beyond the actual needs of the situation.

83. International supervision of such proclamations was still very weak and many States had not ratified major international human rights treaties. Thus a substantial part of the world community was deprived of the benefits of fundamental humanitarian standards. The existence of disputes and ambiguities

regarding the applicability of humanitarian standards in a growing number of States in which civil order had collapsed reaffirmed a need for an international declaration on the matter.

84. Such a declaration would confine itself to the core of irreducible standards, constituting the lowest common denominator, from which there could be no derogation whatsoever. The aim was not to set new standards but to reaffirm the most fundamental rules for their applicability in any situation. Minimum standards would have to be respected by all: in situations of internal armed conflicts, problems often arose with regard to entities other than Governments which considered that they were not bound by such rules. A declaration would be a promising step forward in strengthening the protection of the innocent and vulnerable in situations of violence not covered by international humanitarian law and would remedy the existing uncertainty and ambiguities.

85. The delegations whose spokesman he was recommended that the Commission request the Secretary-General to undertake an analytical study on minimum humanitarian standards and consider convening an open-ended seminar under the aegis of the Commission.

86. All member States could surely support further study of the question of ensuring fundamental standards of humanity in any situation of unjustified and disproportionate violence; it would in no way constitute interference in matters within the internal jurisdiction of States. Democracy, development and respect for human rights would not be achieved unless minimum humanitarian standards were applied in all situations.

87. Ms. SPALDING (International Association of Educators for World Peace) said that action by the Commission at its current session might well determine whether persons with disabilities would gain increased access to human rights. There were officially over 500 million people in the world with disabilities, but everyone experienced a disabling time at some point in life.

88. Her organization had been encouraged by the understanding of some member States, notably Ireland, Canada and Sweden, the last of which had supplied the Special Rapporteur on disability of the Commission for Social Development, whose report on monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities was before the Commission on Human Rights (A/52/56). Such monitoring would lay an essential foundation for the promotion of human rights and for real redress through existing mechanisms and possible future ones. It was the view of her organization however, that a joint special rapporteur should be assigned to serve the two Commissions.

89. Ms. PARKER (International Educational Development, Inc.) said that, when the needs of those injured or disabled in war were not fully met, as in the case of the Gulf War, a double violation took place. The use by the United States of weapons containing depleted uranium in that War had resulted in thousands of people in Iraq being newly disabled, while the discards created a massive problem of radioactive pollution.

90. Iraqi civilians had suffered exceptional disability rates from those weapons: abnormally high rates of cancer and kidney disease and abnormally high numbers of children born with missing limbs and other congenital defects. United States and British military personnel and their children had had similar problems. The medical situation in Iraq was such that the continuation of sanctions clearly violated international law, especially where they affected medical care.

91. While appreciating the efforts made to define minimum humanitarian standards, she noted that the International Court of Justice had ruled that humanitarian standards were applicable by all parties in all wars and that countries were obliged to comply with the full array of human rights. Rights that were non-derogable had the force of jus cogens and applied to all States at all times. As the comments of the Friends World Committee for Consultation (Quakers) (E/CN.4/1997/77, chap. III) made clear, the problem lay more with compliance than with any lack of binding standards.

92. Slavery presented a particular problem in M[illegible]ar. The State Law and Order Restoration Council (SLORC) forced villagers to carry military material for use against local people, mostly those belonging to ethnic nationalities. SLORC relied heavily on enforced porterage and labour to construct housing, roads and the new petroleum pipeline. Many people died of exhaustion, malnutrition or torture.

93. That situation required special and urgent attention, but the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery was experiencing extreme difficulties owing to lack of funds. It was imperative that States should contribute to the Fund and that its Board of Trustees should maintain its independent character.

The meeting rose at 6.05 p.m.